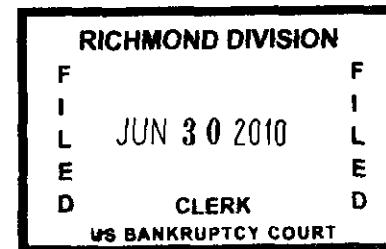


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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

----- X
In re: : Chapter 11
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et. al.,
Debtors. : Jointly Administered
----- X

RESPONSE TO DEBTORS' OBJECTION TO DISALLOW THE
FOLLOWING CLAIM BASED UPON ALLEGED NO "LEGAL LIABILITY"

<u>CLAIMANT</u>	<u>CLAIM NO.</u>	<u>AMOUNT CLAIMED</u>
THOMAS, ANNA Shaevitz & Shaevitz 148-55 Hillside Avenue Jamaica, New York 11435 By Stuart Sears, Esq. Phone (718) 291-3400 Fax (718) 739-5654	3145	\$ 1,000,000.00

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

-----X
In re: : Chapter 11
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et. al.,
Debtors. : Jointly Administered
-----X

AFFIRMATION IN SUPPORT OF RESPONSE
TO DEBTORS' OBJECTION TO DISALLOW
ANNA THOMAS' CLAIM NUMBERED 3145 BASED
UPON ALLEGED NO "LEGAL LIABILITY"

STUART SEARS, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following under the penalties of perjury:

1. That I am an associate of Shaevitz & Shaevitz, Esqs., the attorneys for the claimant ANNA THOMAS herein, and as such, I am fully familiar with the facts, circumstances, pleadings and proceedings herein.
2. That I submit this affirmation in support of Claimant ANNA THOMAS' Response to Debtors' Objection to Disallow Claim No. 3145 upon alleged no "legal liability" by Debtor Circuit City Stores, Inc. Claimant respectfully submits that Debtors' Objection should be denied as to the herein claim as the Debtor clearly bears liability.
3. This is a claim for severe and protracted personal injuries sustained by claimant, ANNA THOMAS on December 28, 2006, when she was caused to be battered, assaulted, struck, and precipitated to the ground by employees of Debtor Circuit City Stores, Inc. While

claimant, ANNA THOMAS, aged 69, was a lawful customer in the store open to the general public known as "Circuit City", located at 9605 Queens Boulevard, Rego Park, New York, claimant was intentionally, negligently, recklessly, forcibly struck and knocked to the ground by employees of Debtor Circuit City Stores, Inc.

5. Claimant respectfully submits that on December 28, 2006, prior to this incident occurring, employees of Debtor Circuit City apprehended a shoplifter in their store at the above-mentioned location. Several of Debtors' employees took this shoplifter to one of their offices adjacent to the showroom for questioning. While questioning the shoplifter and waiting for the police to arrive, Debtors' employees negligently allowed said shoplifter to run out of the open office into the crowded showroom. Debtors' employees then ran after the shoplifter into the showroom in hot pursuit. It must be noted that this incident occurred during the busy Christmas and holiday season when the store was crowded with shoppers.

5. While Debtors' employees were running through the crowded showroom after the shoplifter, they ran into, battered, assaulted, and knocked over claimant ANNA THOMAS, who was lawfully shopping. Due to Debtors' intentional, reckless and negligent acts, claimant ANNA THOMAS sustained multiple personal injuries, including but not limited to a right distal radial fracture, as well as tears to the right radial ulnar ligament, scaphoid lunate ligament and triangular fibro-cartilage.

6. Claimant ANNA THOMAS respectfully submits that Debtor Circuit City Stores, Inc. breached their duty to keep their store reasonably safe to the general public. Claimant further respectfully submits that Debtors' breach proximately caused claimant's personal injuries. Claimant's injuries were caused by the intentional, reckless and negligent acts of the

Debtor. This incident would not have occurred if the Debtors' employees acted reasonably. First, said employees should not have allowed an apprehended shoplifter flee from a guarded office into a busy showroom. Second, said employees should not have ran after the shoplifter in hot pursuit through a crowded showroom. Third, said employees should not have battered, assaulted, forcibly struck and knocked down claimant, a 69 year old woman, in the showroom.

8. Based on the foregoing, Claimant ANNA THOMAS respectfully submits that Debtors' Objection should be denied as to herein Claim No. 3145, as the Debtor clearly bears liability for claimant's severe and protracted personal injuries.

9. In furtherance to the herein Claim, annexed hereto please find the following documents:

Exhibit A - a copy of Claimant's previously filed Proof of Claim which contained the following:

- Claimant's Summons and Complaint
- Debtors' Answer
- Claimant's Bill of Particulars
- Claimant's hospital/medical records

Exhibit B - a copy of Claimant ANNA THOMAS 'deposition transcript

Exhibit C - a copy of Debtors' deposition transcript, by their witness, JOSEPHINE TRAPANI

10. Please address any future communications and/or Reply to the herein Response to the undersigned.

11. I affirm that the above is true and accurate.

WHEREFORE, it is respectfully requested that this Court deny Debtors' objection to this Claim in its entirety, along with such other and further relief as the Court deems just and proper under the circumstances.

Dated: Jamaica, New York
 June 28, 2010


STUART SEARS, EQ.

TO: Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street, Room 4000
Richmond, Virginia 23219

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